

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

VUUZLE MEDIA CORP., VUUZLE
MEDIA CORP LTD., RONALD SHANE
FLYNN, AND RICHARD MARCHITTO,

Defendants, and

VUMU MUSIC LLC,

Relief Defendant.

Civil Action No. 2:21-cv-1226 (KSH)
(CLW)

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL TO VUUZLE MEDIA CORP.

Pursuant to Rules 101.1(c)(5) and 102.1 of the Local Civil Rules of the United States District Court for the District of New Jersey, Melissa Ann Alcantara, Jacob S. Frenkel, Seth B. Waxman, and Aimee R. Gibbs, attorneys with Dickinson Wright PLLC (“Dickinson Wright”), hereby seek leave of this Court to withdraw as counsel for Defendant Vuuzle Media Corp. (“Vuuzle-US”). In support of this Motion, Dickinson Wright states:

1. Dickinson Wright appeared as counsel to Vuuzle-US as follows: Melissa Alcantara entered an appearance on March 2, 2021. (DK14). On certification by Ms. Alcantara, Dickinson Wright lawyers Jacob S. Frenkel, Seth B. Waxman and Aimee R. Gibbs were permitted to appear pro hac vice on March 26, 2021. (DK20).

2. Irreconcilable differences have arisen between Dickinson Wright and Vuuzle-US that constitute grounds for Dickinson Wright to withdraw as counsel as more fully set forth in the

accompanying Memorandum of Law in Support of Motion for Leave to Withdraw as counsel for Vuuzle-US.

3. Dickinson Wright has worked diligently with Vuuzle-US and has provided Vuuzle-US with opportunity to cure such differences; however, Vuuzle-US has been unable to do so. As such, Dickinson Wright is unable to continue as counsel. Dickinson Wright has informed Vuuzle-US of such irreconcilable differences, and the consequences of failure to cure them, up to and including seeking leave to withdraw. Vuuzle-US has indicated that it is actively pursuing replacement counsel.

4. Dickinson Wright's withdrawal will not prejudice Vuuzle-US or any other party in this action. No trial date has been set. The current deadlines are: fact discovery (September 19, 2022); Interrogatories and Document Requests (July 7, 2022); Expert Reports (October 17, 2022), Responsive Expert Reports (November 30, 2022) and Expert Depositions (January 30, 2023).

5. Concurrent with Dickinson Wright's motion to withdraw, it also seeks a 30 to 45 day extension of all dates to assure no possible prejudice to either Plaintiff or Vuuzle-US and to allow Vuuzle-US to seek replacement counsel. Thus far, discovery deadlines have been extended only once to the dates set forth above, and as a result of a joint motion filed by the Plaintiff, Vuuzle-US and Defendant Richard Marchitto. (DK96).

For the foregoing reasons, Vuuzle respectfully requests that the Court enter the Order in the form submitted with this motion.

Respectfully submitted,

DICKINSON WRIGHT, PLLC

June 21, 2022

/s/ Melissa A. Alcantara

Melissa A. Alcantara, Esq.

(NJ Attorney ID No. 014002004)

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CERTIFICATE OF SERVICE

I hereby certify that, on June 21, 2022, a copy of the within Motion for Leave to Withdraw as counsel for Vuuzle Media Corp. will be sent by email to counsel for all parties by operation of the Court's electronic filing system or by email to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Dated: June 21, 2022

By: s/ Melissa A. Alcantara
Melissa A. Alcantara